

FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Market Disputes Resolution Division
445 12th Street, SW
Washington, DC 20554

September 3, 2019

By E-Mail and First-Class Mail

Christopher S. Huther
Claire J. Evans
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
chuther@wileyrein.com
cevens@wileyrein.com

Counsel for Complainant

Charles A. Zdebski
Will C. Simmerson
Eckert Seamans Cherin & Mellott
1717 Pennsylvania Avenue, NW
12th Floor
Washington, DC 20006
czdebski@eckertseamans.com
wsimmerson@eckertseamans.com

Counsel for Defendant

**Re: AT&T Florida v. Florida Power & Light Co., Proceeding No. 19-187, Bureau
ID No. EB-19-MD-006**

Dear Counsel:

This letter grants the Consent Emergency Motion for Adjustment of Deadline to File and Serve Answer,¹ in which Florida Power & Light Company (Florida Power) requests a ten-day extension to file its answer to the complaint of BellSouth Telecommunications, LLC d/b/a AT&T Florida (AT&T). Florida Power also asks that AT&T be given an additional ten days to file its reply to the answer.² Florida Power states that it requests this extension because of the impending landfall of Hurricane Dorian, which, according to Florida Power, has rendered Florida Power's employees, "including key operations, business and law department personnel essential to preparing FPL's answer and supporting affidavits and documentation" unavailable because they have been "activated for storm duty."³ AT&T consents to the Motion.⁴

We grant Florida Power's Motion. The revised deadlines in this case are now as follows:

1) By September 16, 2019, Florida Power must file and serve its answer to the complaint and any motion for a stay on the ground that AT&T did not comply with Commission rule 1.722(g), 47 CFR. § 1.722(g) (Rule 1.722(g) Motion);⁵

¹ Consent Emergency Motion for Adjustment of Deadline to File and Serve Answer, Proceeding No. 19-187, Bureau ID No. EB-19-MD-006 (filed Aug. 29, 2019) (Motion).

² *Id.* at 2-3, para. 9.

³ *Id.* at 2, para. 4.

⁴ *Id.* at 3, para. 11.

⁵ See Letter Ruling, Proceeding No. 19-187, Bureau ID No. EB-19-MD-006 (dated Aug. 21, 2019).

2) By September 23, 2019, AT&T must file and serve any objections to Florida Power's interrogatories;

3) By October 7, 2019, AT&T must file and serve its response to the Rule 1.722(g) Motion;

4) By October 21, 2019, AT&T must file and serve its reply to the answer;⁶

5) By October 28, 2019, AT&T must file and serve its response to Florida Power's interrogatories; and

6) By November 4, 2019, the parties must file their joint statements.

We will advise the parties later whether there will be an initial status conference.⁷ In any event, the parties should expect discovery and briefing to conclude by December 2, 2019.

Finally, the Motion's requested extension results in the last filing date being 10 days beyond the date contemplated by the Revised Scheduling Order. As a result, we hereby extend the review period for final action on the Complaint by an additional 10 calendar days.

We issue this letter ruling under sections 4(i), 4(j), 208, and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, 224, sections 1.3, 1.720-1.740, and 1.1401-1.1415 of the Commission's Rules, 47 CFR §§ 1.3, 1.720-1.740, 1.1401-1.1415, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311.

Sincerely,

The signature is handwritten in blue ink and reads "Lisa B. Griffin / LAR".

Lisa B. Griffin

⁶ See Letter Ruling, Proceeding No. 19-187, Bureau ID No. EB-19-MD-006 (dated July 15, 2019) (Revised Scheduling Order) (extending to October 11, 2019 the time for AT&T to file and serve its reply).

⁷ See 47 CFR § 1.733(a) (providing that status conferences may be held at the staff's discretion).